UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1993/97
22 February 1993

ENGLISH
Original: ENGLISH/FRENCH

COMMISSION ON HUMAN RIGHTS
Forty-ninth session
Agenda item 27

# SITUATION OF HUMAN RIGHTS IN THE TERRITORY OF THE FORMER YUGOSLAVIA

## Letter dated 19 February 1993 from the Permanent Representative of the Republic of Albania to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

On instructions from my Government, I have the honour to transmit to you the text of the statement by the Albanian delegation on the situation of human rights in the former Yugoslavia, particularly in Kosovo.

I would ask you to have the statement circulated as an official document at the forty-ninth session of the Commission on Human Rights and to provide us with the opportunity to read it at the Commission's meeting, before the Vote is taken on the resolution on the situation of human rights in the territory of the former Yugoslavia.

(Signed): Zef Simoni
Ambassador
Permanent Representative

Situation of human rights in the former Yugoslavia

1. The delegation of the Republic of Albania sincerely appreciates the work done at the forty-ninth session of the United Nations Commission on Human Rights, including the draft resolution entitled "The situation of human rights in the territories of the former Yugoslavia". It especially appreciates the involvement of the United Nations in seeking a resolution to the human rights situation in Kosovo.

2. The Albanian delegation highly values the determination shown by the United Nations in closely following the situation, condemning Serbian repression, ensuring a United Nations presence in Kosovo, and applying sanctions against Serbia. The aforementioned resolution, which deals in part with the situation in Kosovo, constitutes, in our view, an important official document which should be adopted by the Commission. It reveals at last the real situation of Albanians in the former Yugoslavia. It condemns the oppression and the massive violation of human and national rights perpetrated by Serbs against the Albanian population.

3. Treating the question of Kosovo as an urgent problem for the consideration of the Commission signals the beginning of a new approach, one which we called for long ago. We trust that this forum will continue to give the question of Kosovo priority attention.

4. It is especially important that the recommendations of the Commission concerning the flagrant violations of the human and national rights of Albanians in Kosovo be consistently implemented. The stronger pressure which will be brought to bear as a result cannot fail to improve the tense situation now prevailing in Kosovo.

5. While Belgrade loudly proclaims that ethnic Albanians are "the best treated minority in the world", the civilized world knows that the Albanian people of Kosovo are brutally deprived of their human and national rights and thus constitute a unique case in the new Europe.

6. The Albanian delegation welcomes the involvement of the international community, particularly the United Nations, in stopping the violation of human rights in Kosovo and emphasizes once more that the first step towards a just and lasting solution to the problem of Kosovo must consist of: first, respect for the rule of law, including the establishment and free functioning of all legal institutions; second, pluralist democracy; and third, respect for human rights in accordance with relevant international instruments. The establishment of these institutions would ensure that human rights are respected. In this way, Albanians would be protected from Serbian violence and oppression. In this way too, there could be no recurrence of the violent suppression of Kosovo's autonomy and the unilateral abrogation of the human and national rights of the Albanian majority, as occurred in 1989.

7. It is the opinion of the Albanian Government that no political solution can be just and lasting unless the expressed political will of the people of Kosovo is fully taken into account and the right to self-determination guaranteed.

8. Kosovo is not part of Serbia. The Albanian people in Kosovo are not a minority. "Autonomy" must not be considered a just and lasting solution to the problem of Kosovo.

9. In this context, the Albanian delegation wishes to draw the attention of the Commission on Human Rights to the following facts:

(a) Pursuant to the 1974 Constitution of the Socialist Federal Republic of Yugoslavia, Kosovo has been a constituent element of the Yugoslav federation and, in this capacity, has exercised its sovereign rights in such federal institutions as the Presidency, the Parliament, the Government, the Judiciary and the Administration, as well as all other federal organs and forums of a political and/or economic nature;

(b) Like all other federal units, Kosovo had its own Constitution, and on this basis independently exercised all of the powers of a fully federal constitutional unit. Within this constitutional framework, Kosovo had its own Parliament, Government, Presidency, Administration, Judiciary, Police, Territorial Defence, financial and banking system, health-care system, Academy of Sciences and Arts, university and other centres of higher learning, elementary and high school educational system, media, cultural and scientific institutions, etc.;

(c) Kosovo has its own territory and borders, laid down and guaranteed by the Constitution. The delimitation of its territory and borders could not be changed without the consent of its Parliament. In fact, not even the borders of the Socialist Federal Republic of Yugoslavia could be changed without its consent. Nor could the federal Constitution be amended without the consent of Kosovo's Parliament;

(d) The delegation of Kosovo to the Chamber of Republics and Provinces of the Federal Parliament had a right of veto over every decision taken there;

(e) Like all other federal units, Kosovo had one representative to the Presidency of the Socialist Federal Republic of Yugoslavia who was eligible for election to the post of President of the Presidency of the Federation.

10. In Kosovo, the Albanians, an important part of the Albanian nation, are an indigenous population. They have been living on their own ethnic territories for centuries. They are in fact the successors of a compact population which inhabited the area many centuries prior to the arrival of the Slavs in the Balkans.

11. The 3 million Albanians of the former Yugoslavia formed the third most numerous people of this multinational State, after the Serbs and the Croats. Nowadays, the 2 million Albanians in Kosovo make up more than 90 per cent of its population. They cannot therefore be dealt with as a "minority", much less as "persons belonging to minority groups". Nor, in fact, are they now treated as a "minority" or as a mere "ethnic group" within the framework of the International Conference on the Former Yugoslavia. Moreover, Albanians' negative past experience with "autonomy" shows that it is very fragile and should not be attempted again.

12. A peaceful political settlement in Kosovo appears possible within the framework of the International Conference on the Former Yugoslavia, where the representatives of the Albanians of Kosovo participate in negotiations with the other parties concerned.

13. In this statement, the Albanian Government has sought to present to the forty-ninth session of the Commission on Human Rights certain essential aspects of its position concerning the difficult issue of Kosovo which, if not addressed with due seriousness and attention, may lead to an extension of the conflict to other areas of the former Yugoslavia and other countries, endangering peace in the Balkans and security in Europe as a result.

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